

Exhibit K

brownrudnick

RACHEL O. WOLKINSON
direct dial: 202.536.1755
fax: 617.289.0855
RWolkinson@brownrudnick.com

January 3, 2023

VIA EMAIL

Mr. Adam Moskowitz
Moskowitz Law
2 Alhambra Plaza – Suite 601
Coral Gables, Florida 33134

RE: Robertson, et al. v. Cuban, et al., Case No. 22-cv-22538-ALTMAN/REID

Dear Adam,

We write on behalf of our clients, Mark Cuban and the Dallas Basketball Limited, d/b/a Dallas Mavericks (“Mavericks”), in connection with the above-referenced matter. Subject to the Protective Order entered by Magistrate Judge Reid on December 21, 2022, we will be transmitting shortly via OneDrive file share a copy of Defendants’ production of non-privileged documents responsive to Mr. Cuban’s and the Mavericks’ actual visits to the State of Florida during the relevant period of 2021–2022, identified in Mr. Cuban’s and Matt Wojciechowski’s Declarations filed as exhibits to our Motion to Dismiss on November 18, 2022 (“Relevant Period”). The documents bear Bates Numbers MAVSCUBAN00000001 through MAVSCUBAN00001126. Today’s production includes 524 files. The password to today’s production will be sent shortly in a separate email.

In identifying responsive non-privileged documents, our team conducted a detailed review of Mr. Cuban’s emails and text messages, along with Mavericks employees’ emails during the Relevant Period. Certain non-responsive, privileged and/or family or entirely personal information has been redacted.

Importantly, the documents provide further confirmation of the statements contained in Messrs. Cuban’s and Wojciechowski’s Declarations. In sum, as you will see reflected in the documents, at no point in time did Mr. Cuban meet with Stephen Ehrlich in Florida (in fact they only met on two occasions—the first time in Dallas at the October 27, 2021 press conference and a second time on or about March 4, 2022 at a Mavericks charity event, also in Dallas); there is no evidence that Mr. Cuban ever spoke about Voyager in Florida; and Mr. Cuban’s time spent in Florida during the Relevant Period was exceptionally limited.

Furthermore, as you know, during the Relevant Period, Mr. Cuban and the Mavericks were based in Dallas, Texas; and Voyager (a Canadian and Toronto-listed company) was based in the Northeast. Finally, as noted, Mr. Cuban and the Mavericks had no interactions with either Mr. Ehrlich or Voyager in Florida.



Mr. Adam Moskowitz
January 3, 2023
Page 2

With respect to the Mavericks, the documentary evidence also confirms, consistent with Mr. Wojciechowski's Declaration, minimal ties in general between the Mavericks and Florida. Basically, the Mavericks came to Florida on a few occasions to play away NBA games. During the Relevant Period, the Mavericks traveled to Florida to play away games on or about March 1, 2021, May 4, 2021, January 30, 2022, February 15, 2022, and November 9, 2022 against the Miami Heat and/or Orlando Magic. These trips are a matter of public record and have always been available to you. The documents reflect no evidence suggesting that Voyager was discussed in Florida by any Mavericks employees, and as you are aware, the 2021 away games occurred months prior to execution by the Mavericks of the Sponsorship Agreement with Voyager. In fact, the sole, isolated contact the Mavericks organization had in any way, shape or form related to Voyager with any arguable touch point to Florida, albeit indirect and nominal, involved an unsolicited request by Voyager to the Mavericks (located in Dallas) to ship (from Dallas) twelve basketballs to Miami in April 2022 to be used at an NBA Junior event. It is our understanding that the shipping of these basketballs was entirely unrelated to the Sponsorship Agreement between the Mavericks and Voyager, and Voyager was separately invoiced for these basketballs. [MAVSCUBAN00001081]. As you are aware, such isolated, non-claim related conduct, from Texas, does not serve as the basis for jurisdiction over the Mavericks.

To further assist you in confirming that there is no basis for personal jurisdiction over either Mr. Cuban or the Mavericks, please note the following:

A. Defendants' Isolated Trips to Florida in 2021 Prior to the Sponsorship Agreement Had No Connection to Voyager:

- (1) On or around February 27, 2021, Mr. Cuban traveled to Orlando from New York to attend the March 1, 2021 Mavericks away game against the Magic. The documentary record shows no evidence of Mr. Cuban or the Mavericks having any communications with anyone from or concerning Voyager during this trip.
- (2) Shortly following the game, on March 1, 2021, Mr. Cuban returned to Dallas.
- (3) Mr. Cuban traveled with his family from Dallas to Miami to spend spring break in Miami between March 13, 2021 and March 19, 2021. The documentary record shows no evidence of Mr. Cuban having any communications with anyone from or concerning Voyager during his personal family vacation in Miami.
- (4) On May 3, 2021, Mr. Cuban flew from Dallas to Miami to attend the May 4, 2021 Mavericks game against the Heat. On May 4, 2021, shortly after the game, the Mavericks and Mr. Cuban returned to Dallas. The documentary record shows no evidence of Mr. Cuban or the Mavericks having any communications with or concerning anyone from Voyager during this trip.



Mr. Adam Moskowitz
January 3, 2023
Page 3

- (5) The first time Mr. Cuban met anyone from Voyager, including Mr. Ehrlich, in person was on October 27, 2021 in Dallas, Texas. For any prior contacts, which began no earlier than August or September 2021, Defendants were in Dallas at the time. Thus, the only Florida contacts in 2021 occurred from February to May 2021, and had no connection whatsoever to Voyager. Any subsequent contacts in 2021, none connected to Florida, are irrelevant to the issue of personal jurisdiction.

B. Defendants' Isolated Trips to Florida in 2022 Had No Connection to Voyager:

- (1) In order to briefly attend the North American Bitcoin Conference held in Miami on January 17, 2022 to January 19, 2022, Mr. Cuban flew to Miami from Dallas on January 16, 2022.
- (2) Mr. Cuban was interviewed for less than one hour at the North American Bitcoin Conference on Monday, January 17, 2022. A video of such interview has been available online since prior to commencement of this case. At no point during the interview did Mr. Cuban refer to Voyager. We have found no evidence of Mr. Cuban speaking about Voyager at any time while at this conference. As Mr. Cuban also stated in his email correspondence (being produced to you today), his stay at the conference was intended to be very brief, as he described his stay in Miami as being "there and out . (sic) I won't be staying at all." [MAVSCUBAN00000076]. In advance of the conference, Mr. Ehrlich emailed Mr. Cuban advising him that he (Ehrlich) would be attending the conference on Tuesday, January 18, 2022. Recognizing Mr. Cuban's busy schedule and their lack of a close relationship (contrary to the misleading picture painted by you in your Amended Complaint), Mr. Ehrlich wrote to Mr. Cuban: "I doubt you have any time but if so, would love to say a quick hello." [MAVSCUBAN000000769]. Consistent with our prior representations, Mr. Cuban never made plans to meet with Mr. Ehrlich, nor did he speak with Mr. Ehrlich while in Miami briefly attending the conference on January 17, 2022. In fact, Mr. Cuban responded to Mr. Ehrlich, "Im (sic) working on getting to Miami , (sic) but as of now its (sic) just for my event." [MAVSCUBAN000000769]. The documentary record shows no emails or text messages suggesting that any meeting or discussion took place between Messrs. Cuban and Ehrlich during the conference in Miami. As we have previously advised you and the Court, they did not meet during the conference, since they spoke on different days and Mr. Cuban actually was scheduled to fly back to Dallas on January 18, 2022 when Mr. Ehrlich was scheduled to appear on a panel at the conference. *See* ECF 49-4 (copy of publicly available schedule for the conference). Indeed, the record indicates that while Mr. Ehrlich was speaking on a panel on January 18, 2022, Mr. Cuban was already on his way to, or even at the airport, and he flew back from the conference to Dallas at approximately 12:00 pm on January 18, 2022. [MAVSCUBAN00001066, MAVSCUBAN00001002].



Mr. Adam Moskowitz
January 3, 2023
Page 4

- (3) On January 29, 2022, the Mavericks flew from Dallas to Orlando to attend the Mavericks away game against the Magic on January 30, 2022. Immediately following the game, the Mavericks returned from Orlando to Dallas. The documentary record found no evidence of the Mavericks having any discussions with anyone from or concerning Voyager during this visit to Orlando.
- (4) On February 13, 2022, Mr. Cuban and the Mavericks flew from Dallas to Miami to attend the February 15, 2022 Mavericks away game against the Heat. Immediately following the game, on February 15, 2022, the Mavericks traveled from Miami to New Orleans and the next day, on February 16, 2022, Mr. Cuban returned from Miami to Dallas. The documentary record found no evidence of Mr. Cuban or the Mavericks having any communications with anyone from or concerning Voyager during this trip.
- (5) On April 2, 2022, Mr. Cuban traveled to Miami to attend a panel during Miami NFT Week. He stayed in Miami for only one day and returned to Dallas on April 3, 2022. The documentary record found no evidence showing that Mr. Cuban had any interactions with or concerning Voyager while in Miami for this event. Furthermore, the record shows that Mr. Cuban's stay in Florida in connection with this trip was incredibly short and he left Miami immediately after his panel, as Mr. Cuban described in his own words: "I fly in for my panel then immediately out." [MAVSCUBAN00000028]. The documentary record found no evidence of Mr. Cuban having any discussions with anyone from or concerning Voyager during his short appearance at Miami NFT Week.
- (6) On June 9, 2022, Mr. Cuban traveled with members of his family to Sarasota for a personal family trip. He was in Florida with his family until June 12, 2022. The documentary record found no evidence of Mr. Cuban having any discussions with anyone from or concerning Voyager during this personal family trip.
- (7) On November 8, 2022, the Mavericks traveled to Orlando to attend the November 9, 2022 Mavericks game against the Magic. The documentary record found no evidence of the Mavericks having any discussions with anyone from or concerning Voyager during their stay in Orlando.

As described above, the documentary record is fully confirmatory of both Mr. Cuban's and Mr. Wojciechowski's Declarations. To the extent you have additional questions concerning Mr. Cuban's communications and limited visits to Florida, he will be available to answer relevant and appropriate questions regarding jurisdictional issues during his deposition in Dallas on February 2, 2023. At the conclusion of his deposition, we would urge that you dismiss your claims against Mr. Cuban and the Mavericks for lack of personal jurisdiction, among other grounds for dismissal. We do not believe a Rule 11 ground ever existed for this case, and while



Mr. Adam Moskowitz
January 3, 2023
Page 5

you are being permitted to take jurisdictional discovery, we urge you to consider the Rule 11 implications of pursuing claims against parties who lack any requisite jurisdictional ties to Florida.

Please note that given the timing of this production—the day following the observance of the New Year—Defendants reserve their right to supplement this production if any further responsive, non-privileged documents are located.

Sincerely,

BROWN RUDNICK LLP

Rachel O. Wolkinson

CC:

All Counsel